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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/934,986 | 08/22/2001 | Masaki Umayabashi | P/29-1565 | 8285 |
| 2352 | 7590 | 05/03/2005 | EXAMINER | |
| OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403 | | | WONG, BLANCHE | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2667 | |

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|--|--------------------------------------|---|--|
| <p align="center">Office Action Summary</p> | Application No. 09/934,986 | Applicant(s) Umayabashi, Masaki | |
| | Examiner Blanche Wong | Art Unit 2667 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-48 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>Aug'01</u> . | 6) <input type="checkbox"/> Other: _____ |

1. This application is in condition for allowance except for the following formal matters:

With regard to drawing, Fig. 3, 341, replace – MODUE – with “MODULE.”

With regard to cl. 1 and 16, ln. 5,7,15 and 20; cl. 17, ln. 4,6 and 11; cl. 32, ln. 5 and 10-11; cl. 33, ln. 5-6 and 8, remove – adapted to – in order to make the limitation more positive.

With regard to cl. 33, ln. 27, replace – reass – with “reassign” or “reassigning”.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Allowable Subject Matter

2. **Claims 1-48** are allowed.
3. The following is an examiner’s statement of reasons for allowance:

With regard to cl. 1 and 16, the prior art of record fails to anticipate or make obvious a system for assigning time slots in a packet communication system comprising a network-side apparatus and a plurality of terminal-side apparatuses, and the network-side apparatus comprising “control means ... assign, time slots to the terminal-side apparatuses in accordance with a predetermined fairness criteria, ... reassigning the leftover time slot(s) to the available terminal-side apparatus(es) for reassignment.”

With regard to cl. 17 and 32, the prior art of record fails to anticipate or make obvious a network-side apparatus connected to a plurality of terminal-side apparatuses through a shared transmission medium in a packet communication system, and the

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network side apparatus comprising "fairness assignment means ... assign time slots to the terminal-side apparatuses in accordance with a predetermined fairness criteria, ... and reassignment control means ... to control reassignment of the leftover time slot(s) to the available terminal-side apparatus(es) for reassignment."

With regard to cl. 33, the prior art of record fails to anticipate or make obvious a method for assigning time slots in a packet communication system comprising a network-side apparatus and a plurality of terminal-side apparatuses connected to the network-side apparatus through a shared transmission, and the steps of "assigning, by the control means in the network-side apparatus, ... time slots to the terminal-side apparatuses in accordance with a predetermined fairness criteria, ... reass[igning] the leftover time slots(s) to the available terminal-side apparatus(es) for reassignment."

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 571-272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BW, April 28, 2005

BW



CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600